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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,178	01/20/2004	Yoshiki Itoh	Saigoh C-305	2093
23474	7590	12/01/2005	EXAMINER	
FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/761,178

Applicant(s)

ITOH ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 9/9/05. As per request, claims 1, 8, and 11 have been amended. Thus, claims 1-11 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, and 6-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Eguchi et al. (6776739).

As per claim 1, Eguchi et al. disclose an automatic stop/start controller for a vehicle having an engine, a motor generator to drive the engine, an automatic transmission which includes frictional drive engaging elements, and an oil pressure pump which generates oil pressure to engage and disengage frictional drive engaging elements, said automatic stop/start controller permitting the engine to stop and start without operation of an ignition key (see the abstract; and columns 2-3, lines 29-8), wherein, at start of the engine without operation of the ignition key and after said engine is started to drive by said motor generator, the controller corrects to increase the torque generated by said motor generator according to the degree of engagement of frictional engaging elements of said automatic transmission (see columns 7-9, lines 34-65; and column 11, lines 16-56).

As per claim 2, Eguchi et al. disclose controller corrects and increases the torque generated by said motor generator according to opening degree of a throttle valve of said engine (see columns 6-7, lines 48-34; and columns 7-9, lines 34-65).

As per claim 4, Eguchi et al. disclose controller determines whether the opening degree of said throttle valve is at idle opening degree or non-idle opening degree, and corrects and increases the torque generated by said motor generator according to either the idle or non-idle opening degree (see columns 3-4, lines 9-51).

As per claims 5, and 7, Eguchi et al. disclose motor generator performs functions of assisting said engine and of power generating at least during running of said vehicle (see columns 7-9, lines 34-65).

As per claims 8, and 10, Eguchi et al. disclose a hybrid vehicle, comprising: an internal combustion engine (see at least columns 4-5, lines 55-23); an electric motor-generator drivingly connected to the engine to assist in driving of said engine when functioning as a motor (see columns 2-3, lines 29-8; and column 5, lines 21-48); an automatic change-speed transmission drivingly connecting said engine and said motor to said vehicle wheels, transmission having a rotational turbine associated therewith and also having frictional engaging drive elements, and an oil pressure pump that is mechanical pump mechanically driven by a driving force of the engine, oil pressure pump generating oil pressure to engage and disengage frictional drive engaging elements (see columns 3-4, lines 9-52; and columns 5-6, lines 49-17); an automatic stop/start controller for permitting starting and stopping of the engine without operation of an ignition key (see columns 9-11, lines 66-6); and controller increasing the torque generated by motor for supply to said transmission according to the degree of engagement of the frictional engaging

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drive elements of automatic transmission, and controller corrects and increases the torque generated by motor generator according to opening degree of a throttle valve of said engine (see columns 7-9, lines 34-65).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6, and 9, are rejected under 35 U.S.C.103(a) as being unpatentable over Eguchi et al. (6776739) in view of Urasawa (6482125).

As per claims 3, 6, and 9, Eguchi et al. do not disclose turbine rotational speed.

However, Urasawa discloses controller determines the degree of engagement of said frictional engaging elements of said automatic transmission by comparison between the engine speed of said engine and the turbine rotational speed of a torque converter of said automatic transmission (see columns 3-4, lines 52-49; columns 5-7, lines 13-14; and columns 7-8, lines 29-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Eguchi et al. by combining controller determines the degree of engagement of said frictional engaging elements of said automatic transmission by comparison between the engine speed of said engine and the turbine rotational speed of a torque converter of said automatic transmission for accurately controlling torque transmit in automatic transmission.

6. Claim 11 is allowable.

**Remarks**

7. Applicant's argument filed on 9/9/05 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner  
Dalena Tran



November 26, 2005